

AMENDED IN ASSEMBLY MAY 4, 2015

AMENDED IN ASSEMBLY APRIL 9, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1240

Introduced by Assembly Members Bonta and Thurmond

February 27, 2015

An act to amend Section 49550 of the Education Code, relating to pupil nutrition.

LEGISLATIVE COUNSEL'S DIGEST

AB 1240, as amended, Bonta. Pupil nutrition: free or reduced-price meals: breakfast.

(1) Existing law requires each school district or county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, to provide one nutritionally adequate free or reduced-price meal for each needy pupil during each schoolday, except as specified. Existing law authorizes a school district or county office of education to use funds made available through any applicable federal or state program or to use its own funds to provide the required meals.

This bill would express legislative findings and declarations relating to the federal School Breakfast Program.

The bill, from July 1, 2016, to June 30, 2017, inclusive, would require each school district or county office of education maintaining any kindergarten or any of grades 1 to 12, inclusive, to make a nutritionally adequate breakfast available for all of the pupils in a school, when at least 40% of the pupils enrolled at the school are needy children, as defined. On and after July 1, 2017, these requirements would apply

only to schools where at least 40%, but less than 60%, of the pupils enrolled in that school are needy children.

The bill, from July 1, 2017, to June 30, 2018, inclusive, with respect to schools where at least 60% of the pupils enrolled at the school are needy children, would additionally require these nutritionally adequate breakfasts to be available to pupils after instruction has begun for the schoolday, as defined. On and after July 1, 2018, these requirements would apply only to schools where at least 60%, but less than 80%, of the pupils enrolled in that school are needy children.

The bill, on and after July 1, 2018, with respect to schools where at least 80% of the pupils enrolled at the school are needy children, would additionally require these nutritionally adequate breakfasts to be available to pupils, at no cost to the pupil, after instruction has begun for the schoolday, as defined.

The bill would also specify that these provisions shall not be construed to require a school to set aside instructional time for the purpose of serving breakfast.

To the extent that this bill would create new duties for school districts and county offices of education, it would constitute a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Research shows that children who eat breakfast have
4 improved cognitive function, demonstrate higher academic
5 achievement, exhibit better behavior, and have healthier diets, as
6 compared to children who do not eat breakfast.

7 (b) Research also shows that breakfasts served at school are
8 generally more nutritious than breakfasts served at home.

1 (c) Each ~~school day~~, *school day*, 2.2 million of the state's
2 low-income pupils miss out on the health and academic benefits
3 of school breakfasts and, in total, 4.3 million of California's public
4 school pupils miss out on school ~~breakfast~~ *breakfasts* each
5 schoolday.

6 (d) Serving breakfast after the start of the schoolday has been
7 shown to significantly improve school breakfast participation,
8 yield fiscal benefits, and improve the learning environment for all
9 pupils by decreasing absenteeism, tardiness, reports of
10 hunger-related illness, and disciplinary issues.

11 (e) The federal School Breakfast Program enables school
12 districts to draw on federal funds designated to serve low-income
13 pupils. If the federal School Breakfast Program reached as many
14 low-income pupils as the federal National School Lunch Program,
15 California's public schools would receive an additional \$344
16 million in federal meal reimbursements, providing essential
17 resources to the state's most vulnerable children.

18 (f) Fiscal research shows that increasing participation in the
19 federal School Breakfast Program immediately and positively
20 impacts the California economy by distributing federal funds to
21 school districts, increasing local employment, and increasing
22 purchases of food and equipment.

23 (g) Given the academic, health, and fiscal benefits of school
24 breakfasts, high-need schools serving low-income pupils should
25 make breakfast readily available and accessible during the
26 schoolday.

27 SEC. 2. Section 49550 of the Education Code is amended to
28 read:

29 49550. Notwithstanding any other law:

30 (a) A school district or county office of education maintaining
31 any kindergarten or any of grades 1 to 12, inclusive, shall provide
32 for each pupil who is a needy child as defined in Section 49552
33 one nutritionally adequate free or reduced-price meal during each
34 schoolday, except for family day care homes that shall be
35 reimbursed for 75 percent of the meals served.

36 (b) In order to comply with subdivision (a), a school district or
37 county office of education may use funds that are available through
38 any federal or state program the purpose of which includes the
39 provision of meals to a pupil, including, but not necessarily limited
40 to, the federal School Breakfast Program, the federal National

1 School Lunch Program, the federal Summer Food Service Program,
2 the federal Seamless Summer Option, or the state meal program,
3 or may do so at the expense of the school district or county office
4 of education.

5 (c) Each school district or county office of education maintaining
6 any kindergarten or any of grades 1 to 12, inclusive, shall provide
7 breakfast for its pupils in accordance with the following:

8 (1) From July 1, 2016, to June 30, 2017, inclusive, if at least 40
9 percent of the pupils enrolled in a school are needy children as
10 defined in Section 49552, a nutritionally adequate breakfast shall
11 be made available to pupils each schoolday. This breakfast may
12 be offered either for sale or at no cost to the pupils. No pupil shall
13 be required to consume a meal. Commencing on July 1, 2017, the
14 requirements of this paragraph shall apply only to schools where
15 at least 40 percent, but less than 60 percent, of the pupils enrolled
16 in that school are needy children as defined in Section 49552.

17 (2) (A) From July 1, 2017, to June 30, 2018, inclusive, if at
18 least 60 percent of the pupils enrolled in a school are needy children
19 as defined in Section 49552, the school shall comply with both of
20 the following requirements:

21 (i) A nutritionally adequate breakfast shall be made available
22 to each pupil each schoolday. The school may make this breakfast
23 available either for sale or at no cost to the pupils. No pupil shall
24 be required to consume a meal.

25 (ii) The breakfast provided pursuant to clause (i) shall be
26 available to pupils after instruction has begun for the schoolday.

27 (B) On and after July 1, 2018, the requirements of subparagraph
28 (A) shall apply only to schools where at least 60 percent, but less
29 than 80 percent, of the pupils enrolled in that school are needy
30 children as defined in Section 49552.

31 (3) On and after July 1, 2018, if at least 80 percent of the pupils
32 enrolled in a school are needy children as defined in Section 49552,
33 the school shall comply with both of the following requirements:

34 (A) A nutritionally adequate breakfast shall be made available
35 to pupils each schoolday. This breakfast shall be offered at no cost
36 to the pupils. No pupil shall be required to consume a meal.

37 (B) The breakfast provided pursuant to subparagraph (A) shall
38 be available to pupils after instruction has begun for the schoolday.

1 (d) As used in this section, “after instruction has begun for the
2 schoolday” means after the time the schoolday has begun for a
3 majority of the pupils enrolled at that school.

4 (e) *This section shall not be construed to require a school to*
5 *set aside instructional time for the purpose of serving breakfast.*

6 SEC. 3. If the Commission on State Mandates determines that
7 this act contains costs mandated by the state, reimbursement to
8 local agencies and school districts for those costs shall be made
9 pursuant to Part 7 (commencing with Section 17500) of Division
10 4 of Title 2 of the Government Code.